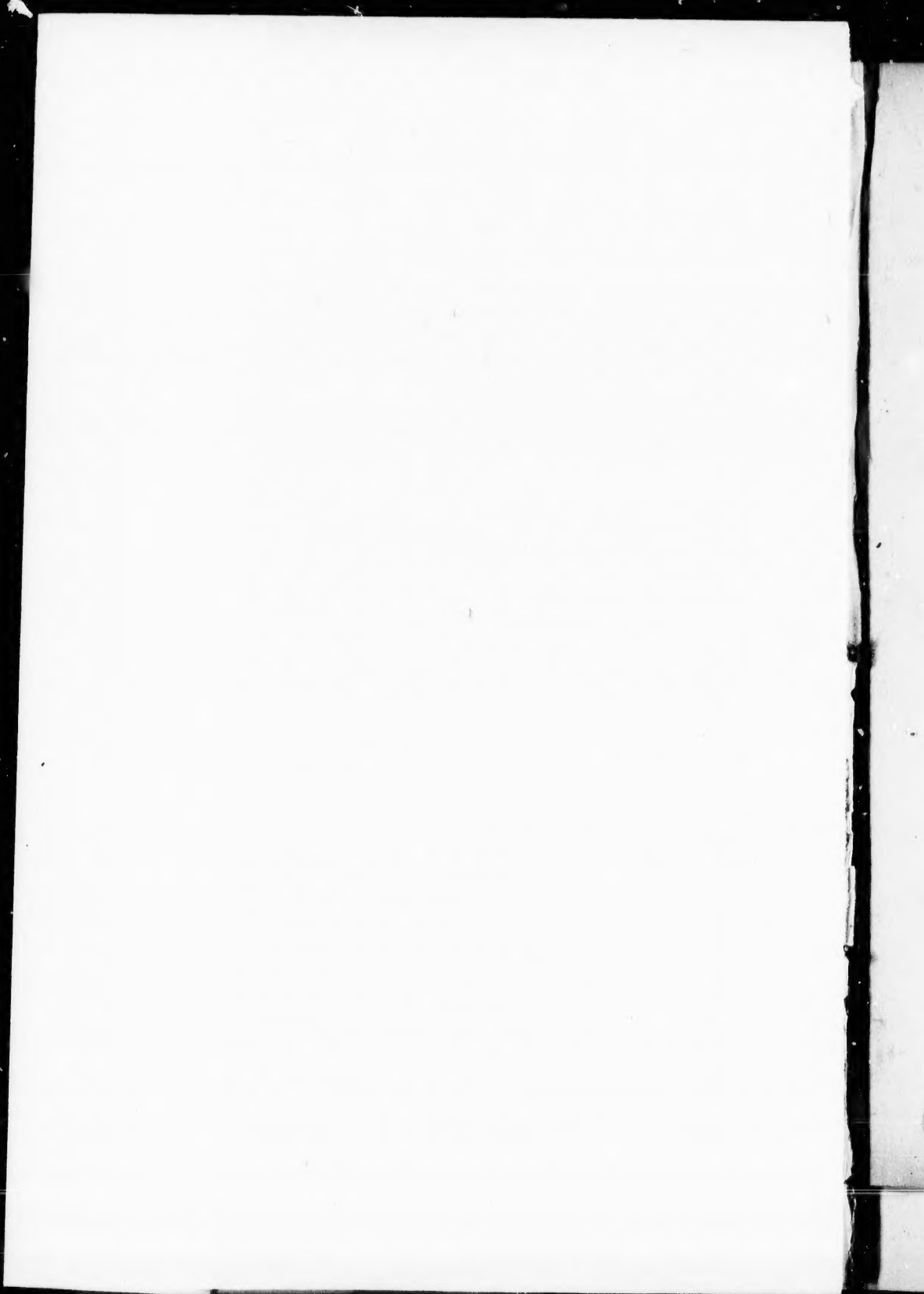




REMARKS
ON
DIOCESAN SYNODS,

ADDRESSED TO THE CLERGY AND LAITY
OF HIS DIOCESE,

BY
HIBBERT, BISHOP OF NOVA SCOTIA

HALIFAX, N. S.
JAMES BOWES & SONS, PRINTERS, HOLLIS ST.
1864.

NOTICE TO THE CLERGY.

THE Diocesan Synod will assemble in the first week of next July, in accordance with the resolution passed at its last session. You are therefore desired to give due notice to your several congregations that it will be the duty of each Parish or "district forming a separate Cure of souls," to elect, at their Easter meeting, two adult lay communicants of the Church of England, to represent them in the Synod to be held in Halifax in July.

Immediately after Easter, you will please to communicate the result, enclosing a certificate that the person elected is a communicant, (if he has been residing within your Cure,) to the Registrar, Henry Pryor, Esq., M.P.P.

H. NOVA SCOTIA.

HALIFAX, Feb. 18, 1864.

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REMARKS

ON

DIOCESAN SYNODS.

THE following remarks on Diocesan Synods, have been written at the request of several members of the Church, who have suggested the propriety of issuing a paper, to be placed in the hands of persons wishing for information upon this subject. I now publish them, with the hope that, by God's blessing, they may be instrumental in dispelling any prejudices and misconceptions that may anywhere exist, and in strengthening the confidence of my brethren, who have rightly appreciated the benefits to be derived from this Institution.

If we would trace Ecclesiastical Synods to their source, we must go back to the Council at Jerusalem, when "the Apostles and Elders came together to consider of," and to determine, a controversy, and published their decree, in the name of "the Apostles, and Elders, and Brethren." In the so-called Apostolical Canons, the Bishops are required to meet in Synod twice every year, "to determine all doctrines of religion, among themselves, and put an end to all ecclesiastical controversies that may happen." This Canon is confirmed by the first general Council, and by others subsequently held.

Besides the Synods above mentioned, there were from the earliest times, assemblies of the Bishop and Clergy of each Diocese. Van Espen, a well-known authority, says, "In the first ages of the Church, the Bishops were

in the habit of convening their Clergy, whenever matters of importance occurred, for deliberation." Collier says, "It has been the constant sense of the ancient Councils and Fathers of the Church, that every Bishop has a commission from our Saviour to govern his Diocese, and in order thereunto, to convene his Priests under him."* In our own branch of the Church, in Saxon times, "the Bishop had twice in the year, two general Synods, wherein all the Clergy of his Diocese, of all sorts, were bound to resort."†

In consequence of the suspension of such Synods for a long period, their utility is not understood, and some persons have supposed that they savour of Popery, whereas, in truth, they are directly antagonistic to the Papal system, by which all separate and independent Diocesan action is discountenanced.‡ By the revised Canon Law, prepared by Cranmer and other Reformers, called the "*Reformatio Legum*," the Bishops were required to hold Diocesan Synods annually, in Lent, as the best expedient to preserve orthodoxy and discipline. In consequence of the death of Edward VI., who was to have ratified these laws, under the authority of an act of Parliament, they were never in force, but they are a sure guide to the opinion and intention of their compilers. It is worthy of notice, too, that Archbishop Tenison, whom no one could suspect of any partiality for Romish institutions, alleged, as one of the reasons for his legacy of £1000 towards the establishment of two Colonial Dioceses, a desire that Synods might be held.

* Collier Eccles. Hist. ii. p. 29, Ed. 1852.

† Burns Eccles. Law, ii. p. 31.

‡ That the Bishop of every Diocese had here, as in all other Christian countries, power to convene the Clergy of his Diocese, and in a common Synod, or Council, with them, to transact such affairs as specially related to the order and government of the Churches under his jurisdiction, is not to be questioned. *Ib.* p. 17.

§ Hoffman, in his treatise on the Laws of the Church in the United States, says, "The Diocesan Synods fell into disuse, when the Provincial Councils were abandoned, and we cannot but be struck with the restitution, in our own Church, of that primitive order and system, which the usurpations of the Popes broke down in the Latin, and its connection with the state has impaired in the English Church. P. 139.

In the Synods, as they are now restored, the laity have a voice, but I presume that the propriety of this addition to the original constitution is generally admitted.

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The practice of all denominations of Christians, is in favor of the Synodical system, for the Presbyterians have their Assembly or Synod, the Wesleyans their Conference, and the Baptists their Convention; and the Church of England is not on an equality with them, while deprived of this mode of action. In England the Synods have fallen into disuse, because the Parliament has assumed the right of legislating for the Church as an Establishment, but that legislation does not apply to the Colonies.

But it is objected that we have gone on very well, heretofore, without Synods, and therefore they cannot now be necessary. If all things continued as they were, this objection would be perhaps plausible; but we must adapt ourselves to things as they are. Formerly the Clergy were maintained, to a great extent, by supplies from the mother country, whereas, now, the people are to provide for their own Ministers, and, consequently, may rightfully expect to have a voice in the management of the affairs of the Church. Moreover, it is now found that rules and regulations, by which we were supposed to be guided, are not binding in the Colonies, so that Synods are required, either to adopt those which are in force in the mother country, or to frame others in their stead better suited to our peculiar circumstances.

The judgement of the Committee of Council, in the case of Mr. Long, is, so far as it affects us, in favor of Synodical action. Their Lordships say, "The Church of England, in places where there is no Church established by law, is in the same situation with any other religious body, in no better, but *in no worse* position, and the *members may adopt*, as the members of any other communion may adopt, *rules for enforcing discipline* within their body, which will be binding on those who expressly, or *by implication*, have assented to them." This finally settles the question of the lawfulness of Synods, without any further sanction, and of their authority over all persons present, either personally or by their representatives,

since such unquestionably, either "expressly or by implication," assent to the rules adopted by the majority of the Assembly.

It is, moreover, affirmed that tribunals may be constituted, of which the decisions will be binding upon the parties before mentioned, and that the Courts of Law will give effect to their decisions, when they have acted in accordance with the regulations under which they may be constituted.

These decisions confirm the opinions which I have previously held and promulgated concerning these matters. I have always admitted that the parties represented in the Synod, and no others, were *legally* bound by its decisions, and I have maintained that the Courts of Law must give effect to the judgement of any tribunal constituted and acting in accordance with the system of the Church of England, or with our own rules for the better management and regulation of our own affairs.

With respect to the application to the Legislature, last year, it is needless to say much, but a brief summary of our proceedings may perhaps be acceptable to you. The Synod, at its last session, by a large majority of the members present, determined to apply for an Act of the Legislature, to give to us the status and privileges which are enjoyed by our brethren in Canada. A committee was then appointed to frame the Bill, and take charge of it in its passage through the Legislature. This committee performed the duty entrusted to it, and, as the statement was made in the Council that I had introduced alterations into the Bill, on my own sole authority, I think it necessary to assure you, that this statement was wholly unfounded; that every change made in the original draft, was made by the authority of the committee; and that even the gentlemen who were unable to attend, were requested to communicate, and did communicate, their opinions by letter.

Our Bill passed the Assembly by a large majority, without opposition from a single Churchman in that

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House, and without the entry upon the Journals of any division. In the Upper House, however, in which the proportion of Churchmen is very small, it was rejected. Of the nature of the opposition, and of the means used to defeat the Bill in that House, I will say nothing, for the influences which have most power there, must be well known to you. I endeavored, to the best of my ability, to support the claims of the Churchmen throughout the Province, by the following, with other arguments:

1. Synods are part of the Constitution of the Church, and were regularly held in the early ages.
2. That they have been adopted in almost all the colonies, where it has been practicable to convene them.
3. That they have worked well in the United States, and that they are as necessary here as there, on account of the separation of the Church from the State.
4. That without a Synod, we are left without any mode of adapting ourselves to the circumstances of a new country, and of this progressive age,—and that we are almost without laws, except the old Canon Law, since few of the English Statutes passed since the establishment of a Provincial Legislature, have any force here.
5. That in consequence of our peculiar position, as an unestablished branch of a Church established in England, there are many doubts and difficulties which ought to be removed by an Act of the Legislature, recognizing our right to remedy any defects in our system, and to determine doubtful points.

It was, indeed, maintained, on the other side, that we are *not* without law, but they failed to show that any of the English Statutes, determining the mode in which the authority of the Bishop is to be exercised, and limiting its extent, are applicable here. And in the Capetown

case, the Committee of Council said, "the Lord Bishop has been involved in the difficulties, by which he has been embarrassed, in a great measure by the doubtful state of the law."

I further claimed a favorable reception of our Bill, on the ground that all other denominations have obtained such powers as were deemed requisite for the management of their own affairs. I showed that the application was made by a body fairly representing the Church in this Province, and that there was in reality no actual opposition before the House, except from one parish, which was exempted from the operation of the Bill, and had represented that it would be satisfied with such exemption. If the novel theory is adopted that no Act is to be passed, without the *unanimous* assent of all who are to be affected by it, Legislation will be confined within very narrow limits.

It was gratifying to find that all the religious papers manifested a good feeling towards us, and, in accordance with the golden rule, urged that such powers as we required ought to be granted.

Nevertheless, the influence exerted against us was so powerful, that our claims were rejected in the Council, by an overwhelming majority, and I think that the names of the minority, who nobly and generously supported us and voted for us, ought to be gratefully remembered by Churchmen, seeing that they were not of our communion. They were two on each side of the House, and, I believe, that in both Houses, our supporters and opponents were pretty equally divided between the two political parties. The leaders of the late government, being in favour of liberal measures, were disposed to grant us the liberty we desired, but the then Receiver General, and some other members of the Executive Council, opposed us, one of the latter moving the rejection of the Bill in the Assembly. On the other hand, the leaders of the opposition were one for, and the other against, us.

After this rejection, I should certainly have felt bound to summon a special meeting of the Synod, last October,

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to decide upon the course to be adopted, in the next session of Parliament, had not the necessity for immediate action been removed, by the introduction and adoption of a Bill for our Incorporation. It will be for the Synod to determine whether, since we have obtained thus much, it will be necessary or expedient to press our claims any further. I am persuaded that the right must at length prevail, but at the same time I fear that prolonged agitation may be required, before we can obtain from the Legislative Council, as at present constituted, the attention to which we are entitled.

It may be well to explain how far the Act, directly or indirectly, affects us. The substance of the Act is: "The Synod, consisting of the Bishop, Clergy, and representatives of the Laity of the United Church of England and Ireland in this Province, shall be a body politic and corporate, by the name of the Diocesan Synod of Nova Scotia." The object of this incorporation is stated to be, to enable the Synod to hold property, and it is *not* to confer any spiritual jurisdiction or ecclesiastical rights. Thus the Synod is recognized, and made a permanent institution. It is not *constituted* by this law, it does not derive its powers from this law, and therefore is not limited by it.

If we had obtained the act for which we applied, our action would have been controlled by it, and deriving our authority from it, we must have begun again from the very beginning; and our constitution, our laws, and our resolutions, must have been discussed anew; but now the Synod is recognized as an existing body, and without any attempt to interfere with the power and authority inherent in every Synod, those powers are added which cannot be exercised without the sanction of an Act of Parliament or a Royal Charter. Whether many or few take part in it, henceforth the Synod of Nova Scotia will have a legal permanent existence; but the several parishes should consider whether it will be for their interests, to leave to the deliberations and decisions of a few, the important questions that may be discussed in it.

Some persons have alleged that the Synod was illegal, and some that it infringed the Royal Supremacy; but these suppositions can no longer be entertained, since the Royal Assent has been given to the Bill passed by the Legislature. We may, therefore, hope that those brethren who have held themselves aloof, in consequence of these objections, will now join with us.

I must not pass over, without notice, the oft-repeated objection to what is called the Bishop's *veto*. Of the present opponents of the Synod, the majority have signified, that they would gladly join it if this were annulled. It was stated before the Committees of the Legislature, that no independent man can possibly sit under the present constitution. This is an insult to the Clergy, and to some of the leading laymen, of this Province, who have sat in our Synod, which needs no refutation from me. I may, however, remind you that men of the highest rank and character, judges, and lawyers, and legislators, in the most important British Colonies, in Canada, Australia, and New Zealand, have sat under this same constitution.

Let us see, then, what is the meaning of this terrible bugbear? The rule is this: "No act or resolution of the Diocesan Assembly shall be valid, which shall not have received the concurrent assent of the Bishop, the Clergy, and the Laity." Can anything be more reasonable? I must confess my astonishment that persons are to be found, professing to believe Episcopacy to be a Scriptural institution, and yet objecting to this rule! I am fully satisfied that the great body of Churchmen would not be content to have it otherwise, would not wish to deprive the Bishop of the privilege enjoyed by the Clergy and the Laity respectively, or to compel him as the executive, to carry into effect decisions of those bodies, to which he might conscientiously object, as being contrary to the principles of the Church, or to the solemn obligations by which he is himself bound.

Then I beg you to observe that, if this power were to be exercised in the most arbitrary manner, and to its

fullest extent, by any means, to the utmost, in the iteration, those who introduce may be obliged to prize it as a minority.

It has been stated by the Bishop of the Colonies, that the objection to all deliberations and debates in the Synod have been so that the decision of the majority would be a minority. I would add that it can be found in some persons of the Synod to the Imperial instances have been as, for example. Only there the Colonies comparative of the Colonies representatives strained to other two that he has comments that the objection judgement.

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fullest extent, *it would not enable the Bishop to carry any measure, or to perform any act whatever.* At the utmost, it can only have the effect of preventing any alteration, and therefore it ought to be highly valued by those who fear that the Synod may do too much, and introduce novelties. Again, those who fear that they may be outnumbered and outvoted in the Synod, ought to prize it, for it can only be exercised in favour of the *minority* under any circumstances.

It has been said that discussion becomes a farce, if the Bishop can, by his vote, prevent the adoption of a resolution approved by both Clergy and Laity. Now this objection is by no means peculiar to Synods,—it applies to all deliberative bodies. We all know that after long debates in the House of Assembly, Bills passed there have been rejected by a majority of *one* in the Council, so that the one man could be pointed out, upon whose decision the fate of the measure had depended. And I would ask, where, in civil governments, a legislature can be found, without the safeguard of a veto, lodged in some person or persons? It may be said that the veto of the Sovereign is never actually exercised, with respect to the Imperial Parliament, but there are certainly many instances of the disallowance of Colonial Acts, which have been passed after full discussion by the Legislature, as, for example, in Prince Edward Island, last year. Only there is this great difference in favour of *our* system; the Colonial Secretary, in Downing Street, knowing comparatively little of the condition and circumstances of the Colony, annuls the decisions of its own representatives; whereas, if the Bishop should feel constrained to withhold his assent from the decision of the other two orders, there is the satisfaction of knowing that he has been present, and has heard all the arguments that could be advanced in support of it, and that the objections to the proposed measure, according to his judgement, are serious and insuperable.

As some persons will persist in maintaining that the

Bishop has a *veto*, I have argued in conformity with that supposition; but I maintain that the rule, requiring the concurrence of the three orders, does not confer that power, but should rather be regarded as a practical exposition of the theory of the Church. The Bishop, in her system, has a distinct, well-defined position, "he, the Clergy, and the Laity, are all distinct and important parts of the same body, and therefore *must concur*, or nothing can be done."

If at any time a really good measure should be opposed by the Bishop, while a large majority of the members of the Church were in its favor, this opposition could only be temporary; for no veto can be maintained, under such circumstances, in these days when public opinion is so strong, and has so many ways of making itself understood and felt.

I believe, then, that every member of the Church, who, laying aside prejudice, will consider this question upon its merits, will arrive at the same conclusion, that the rule, requiring the sanction of the Bishop, the Clergy and the Laity, to every resolution, is good, and ought to be retained; that the so-called *veto* is absolutely harmless, since the Bishop cannot possibly use it for the purpose of effecting any object whatever, and that it may sometimes be very beneficial, in restraining an organized party, from taking advantage of the accidental absence of other members, to pass objectionable resolutions, and in securing ample deliberation for important measures, which might otherwise be rashly adopted, by deferring them to another session.

It has been pretended, by the opponents of the Synod, that the Clergy are so dependent upon the Bishop for their incomes, that they cannot vote freely. Now there is no foundation for this statement, and in fact most of them are dependent upon their congregations very much more than they are upon their Bishop. Under the present system of the Church Societies, both in England and in this Diocese, the grants are payable on condition

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of the previous payment of certain sums by the people, so that in truth the people can deprive the Clergyman of the whole of his maintenance, by stopping their own contributions, and thus the Clergy are made to depend upon *them*, and not upon the Bishop. This is the case of all the younger Clergy, who alone could be suspected of yielding to his influence. The seniors, who are either paid by the government, or by the venerable S. P. G., cannot be liable to any such suspicions.

And then, supposing it possible that any influences, such as are dreaded, could be brought to bear upon the members of the Synod, I ask whether an objection to it, on this score, would not be equally valid against every deliberative body? Is there any Legislature in the world of which all the members are supposed to be entirely independent of every external influence? We may however surely believe that an Assembly, composed of the ministers and communicants of our Church, will be, to say the very least, not inferior to any other in integrity and independence of action.

Fears have been suggested that the Synod may be tyrannical, and may be made the instrument of mischief. And again, we answer that there is this danger, to some extent, in every Assembly, but no one would think of abolishing Parliament on this account. Be it remembered that nothing whatever can be done without the consent of the lay members, and it rests with yourselves to send representatives of ability and integrity who will honestly and watchfully protect your interests. If you do not give sufficient attention to this important matter, you have no right to complain, if you find yourselves affected by measures adopted without your concurrence or even against your will.

Again, some persons are suspicious of Synods, simply because the Bishops are supposed to be in favor of them. This is a strange objection on the part of an Episcopalian; but I ask, is there not reason to suppose that a Bishop is at least as likely as any other person, to be

interested in the welfare of the Church, and to promote such institutions as he sincerely believes to be most likely to contribute to its growth and prosperity? And inasmuch as he devotes more time and attention than others can to this subject, is it not probable that he will judge more correctly than those who, although his equals or it may be his superiors in ability, have not the same means of forming an opinion? The truth is that, with very few exceptions, those persons both lay and clerical who are best acquainted with the present position of the Church, and have the best opportunities of judging, are of one mind on this subject. Of this we have a remarkable illustration in the *Edinburgh Review* for October last. A writer who adopts the very lowest possible estimate of the episcopal office, nevertheless says, "Synodical government, by bodies composed of both clergy and laity is obviously the only alternative in our colonial Churches for episcopal autocracy, or mere anarchy. We have to make the best of it, and in this as in other matters we have to place our confidence in that sound Anglo-Saxon spirit of the majority, the spirit of organization, of mutual compromise, and of tolerance, which in other departments of administration carries us continually in safety, through greater difficulties than these."

Let us then all unite in endeavoring to render our Synod as efficient as it can possibly be, with a view to the security and increase of the Church. If we are content to remain in a sleepy state, doing little good or making little progress, we may dispense with the Synod, and all other organizations, but if we would be active and energetic, if we desire not to be left behind in these days of progress, we must adapt ourselves as far as we lawfully can to the circumstances of the age in which we live. Notwithstanding the charges and insinuations with which I have been sometimes assailed in reference to this matter, I recognise with much thankfulness the confidence reposed in me by the great majority of those whom God has committed to my care, and I know that

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you do not require any further proofs that however much I may fail, through infirmity or errors of judgment, the great object of my life is to perform the duties devolving upon me so that the Church may not suffer loss, and that my administration of this diocese may redound to the glory of God, and conduce to your welfare and happiness.

In conclusion, permit me to commend to your notice, the advice of the Bishop of Vermont to the Clergy of the Church in the then United States: "Believe that he (your Bishop) cannot possibly have any interest in opposition to your own; that it is his earnest desire and prayer to see you all prosper in your labours, and that his highest earthly happiness must be found in your fraternal unity and concord. Advise and counsel him if you have occasion, and doubt not that he will receive it kindly, when it is done as it ought to be done, with the spirit of Christian tenderness. Strengthen his hands by your faithful support. Give no encouragement to party spirit nor to party movements. And you may rely on it, as a general rule, that your Bishop will respond with joy to your efforts; that in proportion as you desire to do nothing without his approbation, it will be his wish to do nothing without yours, and that you will realize in feeling and in fact the true design of that beautiful system, which is too often held, in our degenerate day, as an impracticable theory."

THE following regulations of the Synod are published for the information of persons who do not possess the printed copy of its Constitution and Rules:

The representatives of the laity must have been communicants for the twelve months preceding the election, and every adult male parishioner may vote for the Parish or district, of which he is a member, upon subscribing the following declaration (if required by the chairman or by any parishioner present): "I do declare that I am a member of the United Church of England and Ireland, and belong to no other religious denomination."

Each representative shall receive from his minister a certificate that he is qualified as above, and from the chairman of the meeting, at which he is elected, a certificate of his election, and shall continue in office until a successor be appointed.

If a vacancy should occur in the number of representatives for any district, the minister is to proceed to appoint a new election, as soon as possible, after due notice. (This provides for the case when a non-resident, upon being informed of his election, declines to serve, or is found to be not qualified.)

Each district forming a separate Cure of souls may send two lay representatives, (whether it may be a legally constituted Parish or not.)

When any such district is without a resident minister, at the time appointed for the election of representatives, a meeting may be called by the wardens, or the vestry, or by any five parishioners. In this case the notice should be posted in the most conspicuous places, and circulated according to the usual custom of each town or settlement. And the chairman of the meeting should specify, in his return, by whom, in what manner, and at what date, the notice was published convening the meeting.

At the time of the election of representatives, two provisional representatives may be appointed as substitutes, to take the place of either of the persons elected, who may not be able to attend the Session of the Synod.

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